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10/708,542	03/10/2004	James A. Baranowski	03292.101950.1	2541
66569 7590 09/03/2008 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER FISHER, PAUL R	
			ART UNIT 3689	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,542	Applicant(s) BARANOWSKI ET AL.	
	Examiner PAUL R. FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the applicant's communication filed on May 28, 2008, wherein:

Claims 1-7 and 9 are currently pending;

Claims 1, 4 and 7 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman et al. (US 2003/0120526) hereafter Altman, in view of Acebo et al. (6,023,679) hereafter Acebo, further in view of Rosenbluth International (WO 02/29672) hereafter Rosenbluth, further in view of DeLorme et al. (5,948,040) hereafter referred to as DeLorme), further in view of Laster et al. (US 2001/0029478 A1) hereafter Laster.**

As per claims 1 and 4, Altman discloses a system and method for facilitating transactions among travel service suppliers and travel service buyers, the system and method comprising:

providing a communication network in communication with a plurality of centralized hub sites (Figure 1 (105) (Distributed Computer Network [0050] and Figure 2 (285) (290)) **and configured to provide access to a plurality of data distribution**

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systems thru the hub sites (booking system (230) [0022] the present invention pulls data for air, car, hotel, train, and other travel products and services from one or more data sources, including global distribution system (GDS) sources, public Web sites (e.g. an individual airline's Web site, an individual hotel's Web site), travel aggregation public Web sites (e.g. Web sites that allow the public to search and book hotels, flights, car rentals), private direct connections to vendors and other sources [0057][0059] the booking system combines data from multiple sources (GDS and non-GDS), **a travel broker database configured to be accessible by the travel service suppliers and the travel service buyers** ([0034] All travel information (e.g. air, car, and hotel segments) for that trip is stored in one trip record, regardless of where the trip was originally booked. (E.g. if a traveler buys a plane ticket from the travel aggregation public Web site, a public Web site, a car from a GDS, all of this information will be displayed in one trip record.) The trip record enables a traveler, manager, or other user to view all information for a trip regardless of the data source. The traveler can also be emailed a notification prior to the trip start indicating changes, upgrades, cancellations, and the cancellation policy. In addition, the information captured (e.g. booking source, confirmation codes, contract information) interfaces with multiple other systems, can be viewed by the agent (e.g. while the user is attempting to book a ticket), and enables the agent to provide an enhanced level of service by providing access to the following information: identification information (e.g. name, phone number, email); current travel request (e.g. the plane ticket the user has selected, plane ticket options displayed to the user); current availability; full trip itinerary and record; requests for a trip in progress;

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past travel history (even when that history has expired from a GDS); the traveler's profile, the traveler's travel policy; and information enabling the agent to finalize booking. The agent can also search for the user's record by restricting the search to only those users who are currently logged into the system. In addition, the traveler's profile is also constantly updated with the multiple data sources; [0036] In another embodiment, the present invention provides a system and method for managing booking of travel products and services, comprising: receiving request criteria; retrieving at least one option that relates to the request criteria by searching multiple data sources Figure 2 (230) and (280)), **a travel history database** (Figure 2 (225) and [0034] past travel history, the traveler's profile [0058]), **a point of service terminal connected to the communication network configured to access the databases** (Figure 2 (205)(210)), **wherein the data distribution system is connected to a plurality of travel vendor databases** (Figure 2 (291)(292)(293) and (294) [0033] [0057] [0059]); **providing a point of service terminal with access to the broker database and the travel history database through the communication network** (Figure 2 (205) and (210));

Altman discloses presenting information pulled from multiple data sources in one user-friendly format [0031]. Altman discloses an invention that pulls data for air, car, hotel, train and other travel products and services from one or more data sources, including global distribution system (GDS) sources, public Web sites (e.g. an individual airline's Web site, an individual hotel's Web site), travel aggregation public Web sites private direct connection to vendors, and other sources. Altman discloses that

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regardless of the data source, the pulled data is displayed in one format in one display [0033] (The Examiner interprets to mean that Altman receives a plurality of data sets or records in a plurality of formats).

While Altman discloses storing travel history (traveler's profile), Altman does not disclose configuring the database to be accessed by travel service buyers who use information about a traveler's future travel plans, storing the information in the plurality of data sets in a plurality of formats or placing, accepting reverse auction bids on travel service inventory, or configuring the travel broker database to store information about travel service inventory, wherein the travel service suppliers post and edit information about travel service inventory, and wherein travel service buyers browse perform queries. Altman further fails to fully disclose each distribution system having a respective load level and one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems.

However, Acebo discloses PNR information from the CRS queue is downloaded directly into a record keeping system for modification prior to being entered into the local database. The PNR must be parsed or processed to be placed in the appropriate database format. Acebo discloses relational databases to store data, placing PNR information in the appropriate database format (col. 2, lines 6-10, 21-22, col. 2, lines 58-65) and information formatted into a format compatible (indicating multiple formats) with the locally operated computers (col. 5, lines 25-40). Acebo discloses databases organized into a single table format and travel systems which organize information in a database in a travel transaction format, including air table, ground transportation, and

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hotel (col. 2, line 66 thru col. 4, line 20). Acebo also discloses computer profiles wherein pre-ticketed data can be monitored (col. 1, lines 8-13 and 40-65) and a system for providing access to current pre-ticketed and pre-invoice reservation information (col. 4, line 63 thru col. 5, line 3) if a ticket is not generated simultaneously, then the information transferred to the locally operated computer system is pre-ticketed booked travel reservation information that can be displayed on the computer, used to generate reports from the computer, downloaded in a database for processing, or combined with previously stored post-ticketed information to generate reports including both types of information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman the ability to store the various records and data in different formats since reservation information comes from multiple sources, for example, a typical itinerary for one passenger can include three travel transactions, such as an air transaction, hotel transaction, and rental car transaction which must be stored, accessed and displayed.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman storage of pre-ticketed data taught in Acebo so that passenger records can be accessed for analysis and pre-ticket data can be used to determine the number of people going to the same destination so that a possible group rate may be negotiated.

Rosenbluth teaches a system and method that allows for reverse auctions in the travel industry wherein the travel service suppliers can place bids based on RFPs (page 1, line 13 thru page 2, line 5; page 2, lines 8-17, page 11, line 14 thru page 12, line 6).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman and Acebo the reverse auction taught in Rosenbluth so that corporate buyers and sellers can directly negotiate an agreement by submitting a request for proposal and suppliers submitting bids, thus getting better deals.

Altman does not disclose that the travel broker database is configured to store information about travel service inventory wherein suppliers can post and edit the inventory.

However, DeLorme teaches that input/output (Figure 2 (231)) offers/brokers provider input to and from third party providers of travel information in real time which can be updated (interpreted by the Examiner as post and edit). Provider input can be browsed and queried by consumer (Figure 2). Therefore one would be motivated to incorporate this into the travel broker disclosed in Altman since this enables users to enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc (col. 31, lines 42-51).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo and Rosenbluth, with a database configured to store inventory information that can be posted and edited as taught by DeLorme, for the purpose of enabling users to

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enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc.

Altman further fails to fully disclose each distribution system having a respective load level and one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems.

Laster, which talks about a system and method for supporting online auctions, teaches have a plurality of distribution systems having a respective load level and how one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems (Page 4, paragraphs [0062] and [0063]; teach that load balancing is an important part of managing a web server system and it is used to ensure the reliability of the system. Through the use of multiple databases and web servers all running identical software the system is able to balance the load between the different servers to avoid a bottleneck or a potential slowing of the system as a whole).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo, Rosenbluth and DeLorme, with the load balancing system found in Laster, for the purpose of providing the customer with a reliable system which seems to them to be single fast unit. By doing this the system prevents possible bottlenecks and ensures the system is as stable as possible.

Furthermore, the Examiner notes that claim 1 is directed to a system. The applicant appears to be trying to claim the system what it does and the information being stored in the system rather than the actual structure of the system.

The fact that the information is travel service inventory or travel history about a traveler's future travel plans is non-functional descriptive data. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed non-functional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; see also *Diamond v. Diehr*, 450 U.S. 175, 191,209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See *In re Lowry*, 32 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate. The Examiner asserts that the data identifying the type of data being stored in a database adds little, if anything, to the claimed structure of the system and thus does not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way the steps are preformed". Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for

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the meaning to the human mind, the data identifying the information stored in the database does not functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

Moreover, the claim limitation, while directed to a system, reads that wherein the travel broker database is configured to store information about travel service inventory, and to be accessed by the travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory, and to be accessed by the travel service buyers who browse and perform queries on the travel service inventory and accept reverse auction bids.

The intended use of the information stored in a database is given little patentable weight. Moreover, there is no positive recitation of users accessing the database or posting/editing/browsing/querying the information. The fact that the travel suppliers can post and edit the inventory and place reverse auction bids does not affect the structure of the system. The database is still a database.

As for the limitation of wherein the travel history database is configured to store current information about a travel's future travel plans is again non-functional descriptive data. Moreover, the fact that the information is to be accessed by buyers is not a positive recitation of the database being accessed. The fact that the buyers use the information to place orders is also non-functional descriptive data. This language does not change the structure of the system.

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As for the reverse auction limitation, the applicant's specification only discloses the following as to that limitation:

[0042] Referring to FIG. 4, databases 144 provide substantially private, secure, and confidential storage of all travel data including traveler data, corporate client data, and the Market Information Data Tape (MIDT). Databases 144 include traveler market broker database 145, traveler profile database 146, PNR database 148, corporate negotiated programs database 152, and travel history data warehouse 154. **Travel service suppliers 145 may post and edit inventory in the travel market broker database 145.** The posted inventory may include information concerning dates and time, geographic location, quantity, price ranges, amenities, restrictions and other relevant information. **The inventory may be viewed by travel service buyers 135 who may browse and perform queries on the inventory using a user interface 138.**

[0043] Travel service buyers 135 may access traveler history data warehouse 154 to obtain current information on traveler's future travel plans such as volume of travel, destinations, dates, times, carriers, cost, and other travel itinerary details. Travel service buyers 135 may use this information to place orders to suppliers in order to reduce travel cost and get better deals. The orders may include details such as data and time range of travel, geographic location, quantity, price range, required minimum difference between price and the corporate negotiated price, desired amenities, and other trip requirements. **Travel service suppliers 145 may then place bids for the orders in a reverse auction fashion.** The travel service suppliers' bids may be "opaque" such that competitors and current customers cannot see the bid. This will allow suppliers to discretely unload inventory at lower prices than available through their retail channels and without drawing attention from competitors or current customers. The suppliers may not be able to view the responses of their orders that are desired to be acted upon. In addition, a matching function may be provided that determines which previously posted inventory or returned bids satisfy a placed order and returns the result to the travel service buyer for final selection and approval.

Thus, it appears that applicant's invention is directed to a database that allows users to post and edit information, and browse and perform queries on the stored information.

As for claim 4, claim 4 is directed to a method. The fact that a travel broker database is configured to be accessible by a supplier and buyers is not a positive recitation of a step of the suppliers or buyers accessing the database.

Moreover, there is not positive recitation of suppliers posting and editing information or placing bids. Nor is there a recitation of the buyer browsing, performing queries and accepting bids.

The fact the database is configured to store information about a traveler's future travel plans and that the database is to be accessed by a buyer who uses the information about the plans to place orders is not a positive recitation of the buyer accessing the database or using the information for the placement of orders. Thus, this information is non-functional descriptive data.

4. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman, Acebo, Rosenbluth, DeLorme and Laster as applied to claims 1 and 4 above, and further in view of Pratt (US 2001/0049693) hereafter Pratt.

As per claims 2-3 and 5-6, Altman discloses databases storing information in a plurality of data sets (records) in a plurality of formats. Altman does not disclose wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, Pratt discloses databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are stored

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as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032][0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets as taught in Pratt since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved using the method of storing data.

NOTE: The Examiner notes that the applicant's admission in paragraph [0026] of the specification wherein the applicant admits that the data can be stored without regard to common format and that in one exemplary embodiment the applicant's invention, the data set (e.g. BLOB) may be annotated in a standard manner. Applicant admits on page 12 of the remarks submitted on September 5, 2006 that the specific details of how to add a header or trailer to data are well-known in the art.

5. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman et al. (US 2003/0120526) hereafter Altman, in view of Acebo et al. (6,023,679) hereafter Acebo, further in view of Rosenbluth International (WO 02/29672) hereafter Rosenbluth, further in view of DeLorme et al. (5,948,040) hereafter referred to as DeLorme), further in view of Laster et al. (US 2001/0029478 A1) hereafter Laster, further in view of Pratt (US 2001/0049693) hereafter Pratt.

As per claims 7 and 9, Altman discloses an integrated travel industry system comprising:

- a communication network Figure 1 (105));

- a plurality of centralized hub sites in communication with said network (285)(290), wherein each of said plurality of centralized hub sites comprises a network connection (Figure 2) and a transport mechanism (Figure 2);

- a plurality of data distribution systems connected to each of the plurality of centralized hub sites (Figure 2 (215));

- a remote site (Figure 2 (291)(292)(293)(294) connected to the network comprising a service terminal connected to at least one of the plurality of centralized hub sites of the communication network, the point of service terminal configured to access the data distribution system and the travel broker database and history database (Figure 2 (292) (294) (205) (210));

- a travel broker database connected to the network configured to store information (Figure 2 (270))

- a travel history database connected to the communication network and configured to store information (Figure 2 (225) and [0034] past travel history, the traveler's profile [0058]).

Altman discloses a PNR [0060]. Altman discloses the point of service terminal comprising a user interface (Figure 3 (315) (Figures 4A-5, 7 etc.) where the user can access the data distribution system and a customer service application having a customer database (Figure 2 (225)). Altman discloses presenting information pulled

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from multiple data sources in one user-friendly format [0031]. Altman discloses an invention that pulls data for air, car, hotel, train and other travel products and services from one or more data sources, including global distribution system (GDS) sources, public Web sites (e.g. an individual airline's Web site, an individual hotel's Web site), travel aggregation public Web sites (e.g. Web sites that allow the public to search and book hotels, flights, car rentals, private direct connection to vendors, and other sources. Altman discloses that regardless of the data source, the pulled data is displayed in one format in one display [0033] (The Examiner interprets to mean that Altman receives a plurality of data sets or records in a plurality of formats).

While Altman discloses storing travel history (traveler's profile), Altman does not disclose configuring the database to be accessed by travel service buyers who use information about a traveler's future travel plans, storing the information in the plurality of data sets in a plurality of formats or placing , accepting reverse auction bids on travel service inventory, or configuring the travel broker database to store information about travel service inventory, wherein the travel service suppliers post and edit information about travel service inventory, and wherein travel service buyers browse perform queries. Altman further fails to fully disclose each distribution system having a respective load level and one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems.

However, Acebo discloses PNR information from the CRS queue is downloaded directly into a record keeping system for modification prior to being entered into the local database. The PNR must be parsed or processed to be placed in the appropriate

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database format. Acebo discloses relational databases to store data, placing PNR information in the appropriate database format (col. 2, lines 6-10, 21-22, col. 2, lines 58-65) and information formatted into a format compatible (indicating multiple formats) with the locally operated computers (col. 5, lines 25-40). Acebo discloses databases organized into a single table format and travel systems which organize information in a database in a travel transaction format, including air table, ground transportation, and hotel (col. 2, line 66 thru col. 4, line 20). Acebo also discloses customer profiles wherein pre-ticketed data can be monitored (col. 1, lines 8-13 and 40-65) and a system for providing access to current pre-ticketed and pre-invoice reservation information (col. 4, line 63 thru col. 5, line 3) if a ticket is not generated simultaneously, then the information transferred to the locally operated computer system is pre-ticketed booked travel reservation information that can be displayed on the computer, used to generate reports from the computer, downloaded in a database for processing, or combined with previously stored post-ticketed information to generate reports including both types of information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman the ability to store the various records and data in different formats since reservation information comes from multiple sources, for example, a typical itinerary for one passenger can include three travel transactions, such as an air transaction, hotel transaction, and rental car transaction which must be stored, accessed and displayed. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to incorporate data taught in Acebo so that passenger records can be accessed for analysis and pre-ticket data can be used to determine the number of people going to the same destination so that a possible group rate may be negotiated.

Rosenbluth discloses a system and method that allows for reverse auctions in the travel industry wherein the travel service suppliers can place bids based on RFPs (page 1, line 13 thru page 2, lines 5; page 2, lines 8-17, page 11, line 14 thru page 12, line 6).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman and Acebo the reverse auction taught in Rosenbluth so that corporate buyers and sellers can directly negotiate an agreement by submitting a request for proposal and suppliers submitting bids, thus getting better deals.

Altman does not disclose that the travel broker database is configured to store information about travel service inventory wherein suppliers can post and edit the inventory.

However, DeLorme teaches that input/output (Figure 2 (231)) offers/brokers provider input to and from third party providers of travel information in real time which can be updated (interpreted by the Examiner as post and edit). Provider input can be browsed and queried by consumer (Figure 2). Therefore one would be motivated to incorporate this into the travel broker disclosed in Altman since this enables users to enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc (col. 31, lines 42-51).

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It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo and Rosenbluth, with a database configured to store inventory information that can be posted and edited as taught by DeLorme, for the purpose of enabling users to enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc.

Altman further fails to fully disclose each distribution system having a respective load level and one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems.

Laster, which talks about a system and method for supporting online auctions, teaches have a plurality of distribution systems having a respective load level and how one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems (Page 4, paragraphs [0062] and [0063]; teach that load balancing is an important part of managing a web server system and it is used to ensure the reliability of the system. Through the use of multiple databases and web servers all running identical software the system is able to balance the load between the different servers to avoid a bottleneck or a potential slowing of the system as a whole).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo, Rosenbluth and DeLorme, with the load balancing system found in Laster, for the purpose of providing the customer with a reliable system which seems to them to be

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single fast unit. By doing this the system prevents possible bottlenecks and ensures the system is as stable as possible.

Furthermore, the Examiner notes that claim 1 is directed to a system. The applicant appears to be trying to claim the system what it does and the information being stored in the system rather than the actual structure of the system.

The fact that the information is travel service inventory or travel history about a traveler's future travel plans is non-functional descriptive data. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed non-functional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; see also *Diamond v. Diehr*, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See *In re Lowry*, 32 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate. The Examiner asserts that the data identifying the type of data being stored in a database adds little, if anything, to the claimed structure of the system and

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thus does not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way the steps are preformed". Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the data identifying the information stored in the database does not functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

Moreover, the claim limitation, while directed to a system, reads that wherein the travel broker database is configured to store information about travel service inventory, and to be accessed by the travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory, and to be accessed by the travel service buyers who browse and perform queries on the travel service inventory and accept reverse auction bids.

The intended use of the information stored in a database is given little patentable weight. Moreover, there is no positive recitation of users accessing the database or posting/editing/browsing/querying the information. The fact that the travel suppliers can post and edit the inventory and place reverse auction bids does not affect the structure of the system. The database is still a database.

As for the limitation of wherein the travel history database is configured to store current information about a travel's future travel plans is again non-functional descriptive

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data. Moreover, the fact that the information is to be accessed by buyers is not a positive recitation of the database being accessed. The fact that the buyers use the information to place orders is also non-functional descriptive data. This language does not change the structure of the system.

As for the reverse auction limitation, the applicant's specification only discloses the following as to that limitation:

[0042] Referring to FIG. 4, databases 144 provide substantially private, secure, and confidential storage of all travel data including traveler data, corporate client data, and the Market Information Data Tape (MIDT). Databases 144 include traveler market broker database 145, traveler profile database 146, PNR database 148, corporate negotiated programs database 152, and travel history data warehouse 154. **Travel service suppliers 145 may post and edit inventory in the travel market broker database 145.** The posted inventory may include information concerning dates and time, geographic location, quantity, price ranges, amenities, restrictions and other relevant information. **The inventory may be viewed by travel service buyers 135 who may browse and perform queries on the inventory using a user interface 138.**

[0043] Travel service buyers 135 may access traveler history data warehouse 154 to obtain current information on traveler's future travel plans such as volume of travel, destinations, dates, times, carriers, cost, and other travel itinerary details. Travel service buyers 135 may use this information to place orders to suppliers in order to reduce travel cost and get better deals. The orders may include details such as data and time range of travel, geographic location, quantity, price range, required minimum difference between price and the corporate negotiated price, desired amenities, and other trip requirements. **Travel service suppliers 145 may then place bids for the orders in a reverse auction fashion.** The travel service suppliers' bids may be "opaque" such that competitors and current customers cannot see the bid. This will allow suppliers to discretely unload inventory at lower prices than available through their retail channels and without drawing attention from competitors or current customers. The suppliers may not be able to view the responses of their orders that are desired to be acted upon. In addition, a matching function may be provided that determines which previously posted inventory or returned bids satisfy a placed order and returns the result to the travel service buyer for final selection and approval.

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Thus, it appears that applicant's invention is directed to a database that allows users to post and edit information, and browse and perform queries on the stored information.

Altman does not disclose redundant databases. However, redundant databases are identified on the online Webopedia as:

(ri-dun'd&nt)(adj.) Used to describe a component of a computer or network system that is used to guard the primary system from failure by acting as a back up system. Redundant components can include both hardware elements of a system – such as disk drives, peripherals, servers, switches, routers – and software elements -- such as operating systems, applications and databases.

Redundancy is the quality of systems or elements of a system that are backed up with secondary resources. For example. “The network has redundancy.”

Thus, a redundant database is simply a back up. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a backup into the reservation system of Altman since it is a standard business practice to backup business information in case of system failures to prevent losses.

Altman discloses databases storing information in a plurality of data sets (records) in a plurality of formats. Altman does not disclose wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, Pratt discloses databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032][0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets as taught in Pratt since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved using the method of storing data.

NOTE: The Examiner notes that the applicant's admission in paragraph [0026] of the specification wherein the applicant admits that the data can be stored without regard to common format and that in one exemplary embodiment the applicant's invention, the data set (e.g. BLOB) may be annotated in a standard manner. Applicant admits on page 12 of the remarks submitted on September 5, 2006 that the specific details of how to add a header or trailer to data are well-known in the art.

Pratt discloses a plurality of data sets that are annotated for storage. The fact that the data sets are annotated for storage into a financial transaction instrument is non-functional descriptive data.

Response to Arguments

6. Applicant's arguments filed 5/28/2008 have been fully considered but they are not persuasive.

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

8. In regards to applicant's argument that Altman does not disclose the newly amended limitation "a point of service terminal connected to the communication network and configured to access... one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems.", the new limitation of "and one of the plurality of data distribution systems selected based on the load levels of the plurality of data distribution systems", is taken to mean load balancing or distributing the load across multiple servers or databases. Laster is used to teach this feature which is a common practice to ensure that there are no bottlenecks in the system and that to the user the system appears to be one very fast server. This redundant system allows for multiple users to access the system simultaneously without the risk of overwhelming the server.

9. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over Altman, Acebo, Rosenbluth, DeLorme and Pratt.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Dennis Ruhl/

Primary Examiner, Art Unit 3689